*your opinion* and we will consult you on the appropriate time on this question. Madam, I request the House to pass this Bill.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN) : The question is:

"That the Bill further to amend the Delhi Municipal Corporation Act, 1957 and the Punjab Municipal Act, 1911, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted*

,THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): -We shall now take up clause-by-clause consideration of the Bill.

*Clauses* 2, 3 and 4 *were added to the Bill.*

*Clause* 1, *the Enacting Formula and the Title were added to the Bill.*

SHRI M. M. JACOB : I move: "That the Bill be passed."

*The question was put and the motion was adopted.*

THE JAMMU AND KASHMIR CRI MINAL LAW AMENDMENT (SEC-OND AMENDING) BILL, 1991

श्री शंकर दयाल सिंह (बिहार) :मैडम इतनी आसानी से कोई बिल पास नहीं हुआ है ।

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): There is a Statutory Resolution of disapproval by Shri S. S. Ahluwalia. He is not present. The Minister will move the BilL

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): I beg to move:

"That the Bill further to amend the Jammu and Kashmir Criminal Law Amendment Act, 1983, as passed by the Lok Sabha, be taken into consideration.".

The Jammu and Kashmir Criminal Law Amendment Act, 1983, provided lor effective prevention of certain unlawful activities of individuals or associations. Under the enabling provisions of this Act, the State Government is empowered to declare the in-dividual or an association as unlawful if the Government is satisfied that the said groups or associations are indulging in such activties which encourage or propagate hatred or hostility between different groups or indulge in activities against the interest of the nation.

In pursuance to the prior approval of the Central Government, the Governor of Jammu and Kashmir promulgated an Ordinance extending the time limit for finalising enquiry by the tribunal. The present legislation seeks to replace the Ordinance issued by the Governor on 16-6-1991.

Proclamation of the President dated 18th July 1990 made under article 356 in relation to the State of Jammu and Kashmir provided that a reference under section 91 of the State Constitution to the Governor or the legislature of the State or the House thereof shall be construed as reference to the President or to the Parliament or to the House thereof res-pecively. The Bill has, therefore, been brought before Parliament and I commend the Bill for consideration by this august House.

*The question was proposed.*

SHRI SURESH KALMADI: I want to say that I hope that this Bill..

श्री शंकर दयाल सिंह (बिहार) : मैडम, अगर यह बोलेंगे तो हम लोगों में से भी एक आदमी को बोलने का मौका दीजिए ।

SHRI SURESH KALMADI (Maharashtra): This is a very important matter. I hope this Bill strengthens the Government as we are all concerned about the inaction in not getting the release of Mr. Dorai-swamy. Yesterday we read in the

papers that they have threatened to sever his arm and all parts of his body one by one. We hope this Bill will give strength to the Government to ensure release of Mr. Doraiswamy. The whole country is worried. The contacts with the militants have reached the final stage and we do not know what is holding up his release. We hoped that before the Rajya Sabha adjourned, the Government would be able to give us some good news. But unfortunately, it is not so. At least through this Bill, the Government must ensure that Mr. Doraiswamy is released.

श्री शंकर दयाल सिंह : मैडम, आपकी अनुमति से कहना चाहूंगा कि जैसा हमारे मित्र ने कहा, दुरैस्वामी के मामले को लेकर के यह सदन और हम सभी लोग चिंतित हैं, पूरा देश चिंतित है। मैं इसे सरकार की विफलता मानता हूं कि जब कश्मीर के बारे में इतने महत्वपूर्ण विधेयक पर यहां चर्चा चल रही है और सारा विपक्ष, कोपरेट करने को, हम लोग, तैयार हैं और इनका साथ दे रहे हैं, ऐसे समय में हम लोगों को यह पता नहीं है कि दुरैस्वामी की क्या स्थिति है ? क्या हालत उनकी हुई ? क्योंकि कल के अखबारों में जो समाचार आए थे, उसके अनुसार वहां के आतंकवादियों ने यह कहा था कि तीन बजे उनका हाथ काटकर डल-झील के पास भेज दिया जाएगा, जो कि तोहफे के रूप में गवर्नर के पास जाएगा। उसमें यह भी आतंकवादियों ने कहा था कि एक-एक अंग हम रोज काटेंगे।

महोदया, आप खुद एक महिला हैं और आपने खुद आतंकवाद के जिस रूप को देखा है, पूरा देश साक्षी है कि आप ऐसे क्षणों में साक्षी रही हैं, जिसमें इतिहास हिल गया था। इसलिए मैं आपके माध्यम से जानना चाहता हूं और कहना चाहता हूं कि इस बिल को हम लोग पूरे सहयोग के साथ पास कर ही रहे हैं, लेकिन सदन उठने के पहले सरकार इस बात का स्पष्टीकरण दे, बयान दे कि आखिर दुरैस्वामी की स्थिति क्या है ? वह कहां है ? करते हैं ? उन्हें आतंकवादियों के चंगुल से छुड़ा या गया या नहीं छुड़ाया गया ? अगर नहीं छुड़ाया गया तो मैं समझता हूं कि यह सरकार के लिए सबसे बड़ी शर्म की बात है और इस शर्म को अपने सामने रखते हुए इस बिल पर उसको स्ट्रेस नहीं देना चाहिए। धन्यवाद।

श्री कृष्ण लाल शर्मा (हिमाचल प्रदेश) : महोदया, जब इस विधेयक पर चर्चा चल रही है और कश्मीर के बारे में हम जो बात कह रहे हैं, एक तो जैसा मेरे मित्रों ने दुरैस्वामी के बारे में, उनकी जानकारी लेने के बारे में चिंता व्यक्त की है, वहीं दूसरी बात यह है कि गृहमंत्री जी ने बार-बार यह कहा कि पाकिस्तान हमारे आंतरिक मामलों में, विशेष रूप से कश्मीर में और पंजाब में सीधे तौर पर हस्तक्षेप कर रहा है। उनकी जानकारी सरकार के पास है, लेकिन इसके बाद भी उनका यह कहना है कि हम उनका कोई रिटेलिएटरी एक्शन नहीं करेंगे। तो क्या पाकिस्तान कुछ भी करता रहेगा और हमारी सरकार चुपचाप उसको देखती रहेगी ? क्या कोई भी एक्शन नहीं लेगी ? हमारी सरकार की, जो पाकिस्तान की एक्टिविटिज हैं उनको रोकने के प्रति, क्या नीति है ? इस संदर्भ में भी कुछ जानकारी सदन को देनी चाहिए और इसके साथ ही दुरैस्वामी और उनके स्वास्थ्य के बारे में भी बताना चाहिए। धन्यवाद।

SHRI ASHIS SEN (West Bengal): Here, the question is about Jammu and Kashmir Everytime, we find that laws are being enacted and certain amendments are made to it. But, nothing concrete has been done. What I would like to know is, whether Jammu and Kashmir is going to be administered by this Criminal Law or the Government of India would take certain decisions? Just now, we heard from the Prime Minister, that whatever the economic policy they have pursued by them has been found to be wrong. And they have come out with new policies. If this be the position, why not changes be brought about in the political level also? In regard to problems in Jammu and Kashmir, Punjab, etc. a new outlook is needed so far as the administration is concerned. In Jammu and Kashmir, in

[Shri Ashis Sen]

the month of May last year, some organisations were declared as unlawful. One year time was given. But the lodal Administration could not do anything. They want extension. Through this Ordinance, the period was extended from 'one year' to 'one year and six months'. We Arid that the earlier extended period of limitation expired on 17th June, 1991, but this Bill is coming in the month of August. This gives *ex post facto* extension, extension from a back date. This speaks of the manner in which the Jammu and Kashmir Administration is functioning and also the kind of superintendence exercised from here, by the Central Government. This speaks a • lot ■ of the manner in .which they are functioning. Now, what does the Statement of Objects and Reasons of this Bill

say? It says ' ---------it may not be possible to decide some of the references. .. as some triable issues had arisen in some cases and personal service of the notice could not be effected in some others.' That is why, they require this extension. All have been lumped together. Why should they be lumped together? Why should all organisations be lumped together? When you are declaring certain organisations as unlawful, the question arises whether a distinction should be made or not between one type of organisation and another? Otherwise, continuance of this process will only mean that the young people in Jammu and Kashmir will get further alienated. At the same time, the Administration will not be able to do anything and exercise the powers given to them from time to time.

Therefore, Madam, this process has to be ended. It is necessary for the Government to think of a political approach to this question, to think about initiating the political process there. This is very much warranted because the problem in Jammu and Kashmir is a very serious one. We cannot allow things to go on like this. Therefore, I would request the Government to take certain positive steps as soon as possible so that there will be no need for bringing forward such Bills. This will enable the political activities to be restarted there. This will help in bringing about a change in the political environment in that State and ensuring a peaceful life for the people there.

SHRI M. M. JACOB: Madam, a few points have been brought to the attention of the Government and of the House. One is about Mr. Dorai-swamy, made by Mr. Kalmadi and other friends. Though this is not connected with this Bill, as they have raised this issue, I can assure Mr. Kalmadi and others that he is safe. His hands are not cut. Our information is that he is alive. The negotiations are continuing. There is some hitch somewhere in the process of negotiations. . . . AN HON. MEMBER: Is he safe?

SHRI M. M. JACOB: Our information is that he is safe.

THE LEADER OF THE OPPOSITION (SHRI S.. JAIPAL REDDY): Are his hands safe?

SHRI M. M. JACOB: I wish and pray.that he comes back (healthy and happy. .Let.us hope so.....

The other question raised was whether there is Pakistani infiltration in Jammu and Kashmir and whether they are creating problems in Jammu and Kashmir. There is no doubt that. From across the border, they are trying to -send infiltrators and trying to paralyse the valley. We are aware of it .We are taking, steps one after another. I do not want to explain these things here, in detail, because we know about it.* Perhaps!, on some other occasion, when we discuss Kashmir as such, we can go into the various aspects of it..

Another point was that we' Should start the politisal process. It is a very important question. Ultimately, political process is the only way and force will not help us in, sorting out the problem. But the point here is, Indian citizens, when we are dealing

with people who stand for the unity of India, political process is the only way. But when there are people from across the border infiltrating into this country, who want to sabotage the very political system of this country, we cannot just sit back, we cannot just keep quiet, and say that we are for a political solution. We have to deal with them firmly, forcefully and strongly. Otherwise, we as a country, cannot survive. Jammu and Kashmir is an integral part of this country and we cannot allow even an inch of land to be taken by any other force.

Now, in relation to the Bill, certain organisations were declared as unlawful. At the same time, we have to see whether declaring a particular organisation as unlawful has right or wrong. Under the Jammu and Kashmir Criminal Amendment Act, a Tribunal was constituted for this purpose by the Jammu and Kashmir Government. A three-member Tribunal was constituted to look into the question. In the meantime, a member of the Tribunal, who was more than 80 years, resigned because he could not look after the work. We had to appoint another member in his place. So, naturally, the Tribunal took some time, and it was not able to. complete the process.. As you know, in the Kashmir valley taking evidence of persons who are associated with this kind of an activity is not a simple issue at all because you are not safe to go and do the work. That is why many of the activities are not going on well as we desired.

But I agree that the people of Kashmir will have to be relied upon in the end. The people of Kashmir will have to be given employment. The people of Kashmir will have to be taken into confidence. A political pocess is necessary. There is no doubt-about it. My senior colleague and Home Minister, Mr. Chavan, is visiting Kashmir-very shortly. He will have a-thorough discussion there. We will come back to you. When you come back, after, your-holidays, we will come back to you with definite proposals and suggestions on how we .are going to deal with it.

So, I request you to pass this Bill

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHl NATARAJAN): I shall put the motion moved by Shri M. M. Jacob to vote.

SHRI ASHIS SEN: Madam, after the long speech by Mr. Jacob, I want to know how long this House has got to deliberate on Kashmir. How Will the political process be initiated? That is the main point. Otherwise, it will be continuing.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHl NATARAJAN): I shall put the motion moved by Mr. Jacob to vote. The question is:

"That the Bill further to amend the Jammu and Kashmir Criminal Law Amendment Act, 1983, as passed by the Lok Sabha, be taken into consideration."

*The* motion has adopted.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHl NATARAJAN): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to *the Bill.*

*Clause* 1, *the Enacting Formula and the Title were added to the Bill.*

SHRI M. M. JACOB: Madam, I beg to move:

"That the Bill be passed." *The question was put and the motion was adopted.*

SHRI DIPEN GHOSH (West Bengal): So, Mr. Jacob's headache is over.

SHRI M. M. JACOB; Thank you for fulfilling the promise.